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ROUTING AND RECORD SHEET

SUBJECT: (Optional)

Information Security Initiatives Presented to the National Security
Council by the Director, Information Security Oversight Office

FROM:

Richard J. Kerr
Deputy Director for Administration
7D-24 Headquarters

EXTENSION

NO.

DATE

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TO: (Officer designation, room number, and building)	DATE		OFFICER'S INITIALS	COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)
	RECEIVED	FORWARDED		
1. Director of Security	APR 1988		L	OS REGISTRY FILE _Reg/ 1500_
2. C/PPS/Policy Br. 4/.5			ƏƆ	
3.				
4. ƏO	15 APR 1988	/64pn	Dne	— FYI — our version prevailed!
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FORM 610 USE PREVIOUS EDITIONS
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10 APR 84

MEMORANDUM FOR: Director of Central Intelligence

FROM: Richard J. Kerr
         Deputy Director for Administration

SUBJECT: Information Security Initiatives Presented to
            the National Security Council by the Director,
            Information Security Oversight Office   (U)

        This memorandum contains information pertinent to an item
we understand will be considered by the National Security
Council. Aspects of this have potential to erode your
authority to protect intelligence sources and methods
information and require that you take action at the NSC level
if you wish to prevent this erosion. (U)

        1. Background: The Director of the Information Security
Oversight Office (ISOO) has forwarded 13 initiatives for
consideration by the National Security Council. In presenting
his initiatives, D/ISOO failed to document the strong
objections that CIA raised concerning a number of them. These
initiatives have been favorably reviewed by the Senate Select
Committee on Intelligence (SSCI) and, if endorsed by the NSC,
they will be given further support in General Stilwell's draft
report soon to be forwarded for your review and endorsement.
(A/IUO)

        2. Two of the initiatives are in conflict with your
statutory authority to protect sources and methods: (A/IUO)

ISOO Initiative #1 regarding Overclassification/Unnecessary
Classification - That ISOO issue a directive on security
education that includes the establishment of minimum
requirements for mandatory training of classifiers of original
and derivative classification decisions and the use of
classification guides.

        CIA Position: This initiative would permit ISOO to, in
        effect, mandate the qualifications which all Government
        employees must meet before being authorized to classify
        information. This initiative would give ISOO control over
        who in CIA is permitted to make classification decisions.
        It is our view that the authority should remain with the

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DCI to decide who should or should not be permitted to make CIA classification decisions. We would have no objection if ISOO were to develop voluntary qualifications guidelines for classifiers as opposed to mandatory requirements. (A/IUO)

ISOO Initiative #13 regarding Unauthorized Disclosures - That the President call upon the Attorney General to revise existing guidelines on investigations of unauthorized disclosures. (U)

> CIA Position: The initiative, as written, fails to take into account the fact that national security equities are what should drive the development of guidelines for Intelligence Community investigations in this area. The initiative does not recognize the distinction between investigations by the Community for the purposes of identifying those who make disclosures, of preventing future disclosures, and of determining the extent of damage done, as opposed to investigations by the FBI for purposes of criminal prosecution. Although the Community must vigorously support criminal prosecutions of unauthorized disclosures in those cases where prosecutions would not compromise the national security, the investigations done by the Community are not done for the purpose of gathering evidence for such prosecutions; the independent character of Intelligence Community investigations must be preserved. Nonetheless, we do find it commendable that D/ISOO is willing to join the fight against unauthorized disclosures. (A/IUO)

3. Another of the initiatives, while not a direct erosion of DCI authority, is logically flawed and has the potential to create an administrative nightmare. (U)

ISOO Initiative #3 regarding unnecessary classification - (i) That employees be required to report all instances of improper classification (overclassification, underclassification, unnecessary classification or procedurally incorrect classification); and (ii) that agencies provide an effective means for employees to challenge classification decisions free from the fear of retaliation. (U)

> CIA Position: The original objective pertaining to this recommendation is to encourage persons who believe information is improperly classified to bring this to the attention of responsible officials. We believe part (ii) of the initiative is responsive to this goal. However, part (i) requires all federal workers to report, in effect,

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their opinions about classification decisions with which
they may disagree. It is patently unfair to hold employees
at risk of censure for failing to report an <u>opinion</u>,
particularly when the receiving employee's opinion would
be, in most cases, less informed than that of the
originator. Moreover, since virtually any classification
discrepancy, no matter how minor, would be required
to be reported, this initiative could well create an
administrative burden of monstrous proportions. In sum,
part (ii) seems to provide a remedy for any serious
breach of classification rules. Part (i) should not be
implemented; existing ISOO inspection procedures and others
currently being recommended are the proper remedies for
minor or technical irregularities. (A/IUO)

4. <u>Recommendation</u>: It is recommended that you raise the
above considerations when the ISOO initiatives are discussed by
the National Security Council. (A/IUO)   STAT

Richard J. Kerr
                                                               STAT
:OS/EO/PPS   (24 Mar 86):

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